

REMARKS

1. Summary of Office Action

In the final Office Action mailed on July 8, 2009, the Examiner objected to claim 32. The Examiner rejected claims 1-28 under 35 U.S.C. § 112, ¶ 2 as being indefinite. The Examiner rejected claims 1, 7, 16-17, 24-26, 29, 32, 37-38, and 42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,954,443 ("Tsirtsis"). The Examiner rejected claims 3, 6, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Tsirtsis and in further view of U.S. Patent App. Pub. 2002/0165969 ("Gallant"). The Examiner rejected claims 2, 5, 8-9, 11-15, 18-22, 27-28, 33-36, and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Tsirtsis and in further view of Official Notice. The Examiner rejected claims 4 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Tsirtsis in view of Gallant and in further view of Official Notice.

2. Status of the Claims

Previously, claims 43-49 were withdrawn and claims 30-31 and 50-65 were cancelled. In this response, claims 1, 3, 11-12, 14-17, 19, 29, 35-37, 39, and 42 have been amended and claims 32 and 34 have been cancelled. Now pending are claims 1-29, 33, and 35-49, of which claims 1, 29, and 43 are independent claims, and the remainder are dependent.

The amendments to the claims are generally supported by the specification as filed and specifically at least as indicated herein. The amendments to the claims are made without prejudice or disclaimer, and solely for the purposes of expediting prosecution. Applicant expressly reserves the right to pursue the subject matter of the previous claims in a continuation application.

3. Response to the Objection to Claim 32

The Examiner objected to claim 32 as being of improper dependent form. Office Action, p. 3. In this response, Applicant has cancelled claim 32 thereby rendering this objection moot. Applicant therefore respectfully requests the Examiner withdraw the objection to claim 32.

4. Response to the Rejections of Claims 1-28 Under 35 U.S.C. § 112, ¶ 2

As mentioned above, the Examiner rejected claims 1-28 under 35 U.S.C. § 112, ¶ 2. Specifically, the Examiner indicated that:

Regarding claim 1, this claim recites 'support of routing as regards communications' in the preamble, which is confusing....Correction is required. Regarding claim 15, this claim recites 'supports ... communications as between ... clients...', which is slightly confusing and the examiner will treat this phrase as reading 'supports ... communications as between ... clients...' for purposes of further examination. Regarding claim 19, this claim recites 'having a plurality of PTT service domains...' but does not clearly distinguish whether a PTT service domain possesses the plurality or whether the PTT service possesses the plurality. Clarification is required. Regarding claims 2-28, these claims inherit the indefinite features of their parent claim(s).

Office Action, pp. 3-4. In response, Applicant has amended claim 1 to simplify the preamble, amended claim 15 as suggested by the Examiner, and amended claim 19 to clarify the relationship between the push-to-talk domains and the push-to-talk service. Support for the amendments to claim 19 may be found generally throughout the specification and specifically in at least ¶ 0050 of the specification. Applicant believes these amendments address the Examiner's concerns.

As such, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 1-28 under 35 U.S.C. § 112, ¶ 2.

5. Response to the Rejections Under 35 U.S.C. § 103

As mentioned above, independent claim 1 and 29 are rejected under 35 U.S.C. § 103(a) over Tsirtsis. Applicant submits that Tsirtsis does not support rejection of either amended claim 1 or amended claim 29 for at least the reasons presented below.

a. The Tsirtsis/Gallant combination does not disclose or suggest "routing of communications" that "comprise push-to-talk communications" as recited in claim 1 or use of a "SIP message is configured to facilitate a push-to-talk communication for the first client" as recited in amended claim 29.

Both claims 1 and 29 have been amended to recite elements related to push-to-

talk (PTT) communications. In particular, amended claim 1 recites, in part, “a first SIP proxy, configured to support routing of communications for a first plurality of clients in a first region, wherein the communications comprise push-to-talk communications”. Claim 29 has been amended to recite, in part, “receiving, at a third SIP proxy, a SIP message from the first client, via the first SIP proxy, destined for the second client, wherein the SIP message is configured to facilitate a push-to-talk communication for the first client.”

As acknowledged by the Examiner, “Tsirtsis does not teach...[that] a communication service is a PTT communication service.” Office Action, p. 11. Applicant therefore submits that Tsirtsis does not disclose or suggest “a first SIP proxy, configured to support routing of communications for a first plurality of clients in a first region, wherein the communications comprise push-to-talk communications” as recited in amended claim 1. Additionally, Applicant submits that Tsirtsis does not disclose or suggest “receiving, at a third SIP proxy, a SIP message from the first client, via the first SIP proxy, destined for the second client, wherein the SIP message is configured to facilitate a push-to-talk communication for the first client” as recited in amended claim 29.

Applicant therefore submits that Tsirtsis does not support rejection of amended claims 1 and 29 under 35 U.S.C. § 103. Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 1 and 29 under 35 U.S.C. § 103.

b. Applicant traverses the rejections of at least claims 5, 13-15, 19, 21-22, and 34-36 respectfully requests the Examiner provide evidence for Official Notice taken to justify, at least in part, the rejections of claims 5, 13-15, 19, 21-22, and 34-36 required by M. P. E. P. § 2144.03.

The Examiner rejected previously-filed claims 2, 4, 5, 8-9, 11-15, 18-23, 27-28, 33-36, and 39-41 at least in part based on Official Notice. Office Action, pp. 9-15. In particular in rejecting previously-filed claims 5, 13-15, 19, 21-22, and 34-36 and as mentioned above, the Examiner acknowledged that “Tsirtsis does not teach...wherein a communication service is a PTT communication service.” Office Action, p. 11.

In attempting to justify the rejections of previously-filed claims 5, 13-15, 19, 21-22, and 34-36, the Examiner asserted that the “use of PTT servers being connected to SIP

proxies thus providing PTT service to clients as a form of providing a network service was well known in the art at the time the inventions was made..." Office Action, p. 11.

Applicant's background statement indicated that "[SIP] based communications are well known in the art and include the use of so-called SIP proxies... **There exist communication and technology paradigms, however, that are not presently well served by SIP. So called push-to-talk [PTT] communications comprise one such example.**" Specification, ¶ 0002 (emphasis added). See also Specification, ¶ 0048 (explaining various advantages of Applicant's invention including that "system 60 can be readily employed to facilitate SIP-based routing of push-to-talk service-related communication.")

Therefore, the state of the art as understood by Applicant at the time of invention did **not** indicate that "use of PTT servers being connected to SIP proxies ... was well known in the art" contrary to the Examiner's assertion (emphasis added). Rather, at least Applicant's specification specifically indicated that "push-to-talk communications" were "not presently well served by SIP" at the time of invention. Specification, ¶ 0002.

As mentioned above, the Examiner acknowledged that the Tsirtsis did not teach use of a communication service that is a PTT communication service. See Office Action, p. 11. Additionally, the remaining document cited by the Examiner in the Office Action, Gallant, does not mention push-to-talk communications. See Gallant. Thus, at least the art relied upon by the Examiner in an attempt to justify rejection of the claims did not disclose use of push-to-talk functionality, much less the use of PTT servers being connected to SIP proxies.

Thus, for at least these reasons, Applicant has "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art" as indicated as a condition for traversal of rejections based on Official Notice. M.P.E.P. § 2144.03(C). For at least these reasons, Applicant traverses the rejections of claims 5, 13-15, 19, 21-22, and 34-36 as relying upon Official Notice.

Therefore, as Applicant has traversed these rejections, "the examiner must provide documentary evidence in the next Office action if the rejection is to be

maintained.” M.P.E.P. § 2144.03(C). Applicant therefore respectfully requests the Examiner provide documentary evidence for all rejections made based on Official Notice, and specifically provide documentary evidence for at least the rejections of claims 5, 13-15, 19, 21-22, and 34-36.

c. Applicant respectfully requests the Examiner withdraw the rejections of the dependent claims as well, for at least the reasons provided above.

Further, Applicant submits that the revisions and comments directed above to independent claims 1 and 29 apply equally to dependent claims 2-28, 33, and 35-42, each of which depend directly or indirectly from claims 1 and 29. On at least this basis, the Applicant requests reconsideration and withdrawal of the rejections of dependent claims 2-28, 33, and 35-42. Some of these dependent claims stand rejected under § 103 in view of certain other references. However, the Applicant submits that these other references do not cure the deficiencies of Tsirtsis.

6. Conclusion

In view of the foregoing, Applicant submits that all stated rejections have been addressed, and thus Applicant respectfully requests reconsideration and withdrawal of these rejections. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3338.

Respectfully submitted,

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